

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HAYNES INTERNATIONAL, INC.,)	
)	
Plaintiff,)	Civil Action No. 04-197(E)
)	
v.)	JURY TRIAL DEMANDED
)	
ELECTRALLOY, a Division of G.O.)	
CARLSON, INC.,)	Judge Cohill
)	
Defendant.)	

**DEFENDANT'S MOTION TO STRIKE THE DECLARATION OF PAUL MANNING IN
SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Electralloy, a Division of G.O. Carlson, Inc., through its undersigned counsel, pursuant to Federal Rule of Civil Procedure 56(e), respectfully moves this Court to strike the Declaration of Paul Manning, submitted in support for Plaintiff's Motion for Partial Summary Judgment. The Manning Declaration fails to meet the any of the requisites of Federal Rule 56(e): (i) it is not based on personal knowledge; (ii) it does not constitute evidence that would be admissible at trial; and (iii) Mr. Manning is not competent to testify to the statements therein.

In support of this Motion, Defendant relies upon and incorporates the factual and legal discussion contained in the accompanying Defendant's Memorandum of Law in Opposition to

Plaintiff's Motion for Partial Summary Judgment on Counts I and II of Plaintiff's Complaint
and In Support of Defendant's Motion to Strike the Declaration of Paul Manning.

Respectfully submitted,

BLANK ROME LLP

Dated: October 14, 2005

By: 

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CERTIFICATE OF SERVICE

I, Emily J. Barnhart, hereby certify that on this 14th day of October, 2005, a true and correct copy of the foregoing MOTION TO STRIKE was served on the attorneys for Plaintiff by Federal Express, addressed as follows:

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